

**IC 4-6-12**

## Chapter 12. Homeowner Protection Unit

*Effective 1-1-2005.***IC 4-6-12-1****Establishment of unit***Effective 1-1-2005.*

Sec. 1. As used in this chapter, "unit" refers to the homeowner protection unit established under this chapter.

*As added by P.L.73-2004, SEC.4.*

**IC 4-6-12-2****Purposes***Effective 1-1-2005.*

Sec. 2. The attorney general shall establish a homeowner protection unit to enforce IC 24-9 and to carry out this chapter.

*As added by P.L.73-2004, SEC.4.*

**IC 4-6-12-3****Duties***Effective 1-1-2005.*

Sec. 3. (a) Beginning July 1, 2005, the unit shall do the following:

(1) Investigate deceptive acts in connection with mortgage lending.

(2) Investigate violations of IC 24-9.

(3) Institute appropriate administrative and civil actions to redress:

(A) deceptive acts in connection with mortgage lending; and

(B) violations of IC 24-5-0.5 and IC 24-9.

(4) Cooperate with federal, state, and local law enforcement agencies in the investigation of:

(A) deceptive acts in connection with mortgage lending;

(B) criminal violations involving deceptive acts in connection with mortgage lending; and

(C) violations of IC 24-5-0.5 and IC 24-9.

(b) The attorney general shall adopt rules under IC 4-22-2 to the extent necessary to organize the unit.

*As added by P.L.73-2004, SEC.4.*

**IC 4-6-12-4****Interagency cooperation***Effective 1-1-2005.*

Sec. 4. (a) The following may cooperate with the unit to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate licensing boards with respect to persons licensed under IC 25.

(2) The department of financial institutions.

(3) The department of insurance with respect to the sale of insurance in connection with mortgage lending.

- (4) The securities division of the office of the secretary of state.
  - (5) The supreme court disciplinary commission with respect to attorney misconduct.
  - (6) The Indiana housing finance authority.
  - (7) The department of state revenue.
  - (8) The state police department.
  - (9) A prosecuting attorney.
  - (10) Local law enforcement agencies.
  - (11) The department of commerce.
- (b) Notwithstanding IC 5-14-3, the entities listed in subsection (a) may share information with the unit.
- As added by P.L.73-2004, SEC.4.*

#### **IC 4-6-12-5**

##### **Filing complaints with other entities**

*Effective 1-1-2005.*

Sec. 5. The attorney general may file complaints with any of the entities listed in section 4 of this chapter to carry out this chapter and IC 24-9.

*As added by P.L.73-2004, SEC.4.*

#### **IC 4-6-12-6**

##### **Jurisdiction of other entities not limited**

*Effective 1-1-2005.*

Sec. 6. The establishment of the unit and the unit's powers does not limit the jurisdiction of an entity described in section 4 of this chapter.

*As added by P.L.73-2004, SEC.4.*

#### **IC 4-6-12-7**

##### **Investigations; issuance of subpoenas; application to courts**

*Effective 1-1-2005.*

Sec. 7. The attorney general and an investigator of the unit may do any of the following when conducting an investigation under section 3 of this chapter:

- (1) Issue and serve a subpoena for the production of records, including records stored in electronic data processing systems, for inspection by the attorney general or the investigator.
- (2) Issue and serve a subpoena for the appearance of a person to provide testimony under oath.
- (3) Apply to a court with jurisdiction to enforce a subpoena described in subdivision (1) or (2).

*As added by P.L.73-2004, SEC.4.*

#### **IC 4-6-12-8**

##### **Education programs; cooperation with department of commerce**

*Effective 1-1-2005.*

Sec. 8. The unit shall cooperate with the department of commerce in the development and implementation of the home ownership education programs established under IC 4-4-3-8(b)(15).

*As added by P.L.73-2004, SEC.4.*

**IC 4-6-12-9**

**Homeowner protection unit account**

*Effective 1-1-2005.*

Sec. 9. (a) The homeowner protection unit account within the general fund is established to support the operations of the unit. The account is administered by the attorney general.

(b) The homeowner protection unit account consists of fees collected under IC 24-9-9.

(c) The expenses of administering the homeowner protection unit account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the homeowner protection unit account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(e) Before July 1, 2007:

(1) money in the homeowner protection unit account at the end of the state fiscal year does not revert to the state general fund; and

(2) there is annually appropriated to the attorney general from the homeowner protection unit account money sufficient for carrying out the purposes of this chapter and IC 24-9.

(f) After June 30, 2007:

(1) money in the homeowner protection unit account at the end of a state fiscal year reverts to the state general fund; and

(2) money in the homeowner protection unit account may only be spent after appropriation by the general assembly.

*As added by P.L.73-2004, SEC.4.*